

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ADVANCED VIDEO TECHNOLOGIES)	
LLC,)	
Plaintiff,)	11 Civ. 6604 (CM)
)	
vs.)	
)	
HTC CORPORATION and HTC)	
AMERICA, INC.)	
)	
Defendants.)	
<hr/>)	
ADVANCED VIDEO TECHNOLOGIES)	
LLC,)	
Plaintiff,)	11 Civ. 8909 (CM)
)	
vs.)	
)	
RESEARCH IN MOTION LTD ET AL.,)	
)	
Defendants.)	
<hr/>)	
ADVANCED VIDEO TECHNOLOGIES)	
LLC,)	
Plaintiff,)	12 Civ. 0918 (CM)
)	
vs.)	
)	
MOTOROLA MOBILITY LLC,)	
)	
Defendant.)	

JOINT PROPOSED SCHEDULE FOR
SUMMARY ADJUDICATION OF INVALIDITY

On February 1, 2013, the Court entered its Claim Construction Order (Dkt. 52) providing constructions of various terms proposed by the parties to these actions. In the Order, the Court stated that it “believe[d] the better part of valor is for defendants to move for summary judgment on a full record, with AVT having the opportunity to develop its counter-arguments – including, if necessary, offering testimony from experts” and ordered that the parties meet and confer to propose a schedule to the Court. Having met and conferred, the parties propose the following schedule for briefing a motion for summary judgment of invalidity for failure to provide written support as it relates to claims containing the phrase “interim storage of . . . outgoing video data”:

- April 5, 2013 – Defendants submit consolidated Motion for Summary Judgment.
- May 10, 2013 – Plaintiff submits Response to Motion for Summary Judgment, including the expert report plaintiff has indicated that it would provide.
- No later than May 24, 2013 – Defendants depose the expert whose declaration that plaintiff provides in response to defendants’ Motion for Summary Judgment.
- No later than 14 days after such deposition, defendants submit their consolidated Reply in Support of Motion for Summary Judgment, including any expert or other declaration should defendants intend to rely on such testimony solely to rebut plaintiff’s expert.
- No later than 14 days after defendants’ Reply, plaintiff deposes any expert or other declarant submitted in defendants’ Reply.
- No later than 14 days after such deposition of defendants’ expert or declarant, should one be needed, plaintiff submits their Surreply. No Surreply is permitted if defendants do not proffer any such expert or declarant. Any such surreply is limited to disagreements between the experts or declarants.
- Defendants believe that they should be allowed to rely on an expert in their reply brief for the first time to proffer testimony by such expert to rebut the declaration of AVT’s expert.
- AVT believes that should defendants choose to rely on an expert, such reliance should be included in the opening papers. AVT reserves the right to object to defendants’ use of an expert for the first time to rebut AVT’s expert declaration and to any testimony offered by such expert not solely to rebut AVT’s expert.

Respectfully submitted,

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